

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM
Section 3, Canjilon Creek

Subfile No.: CHCJ-001-0001
CHCJ-001-0002
CHCJ-001-0003
CHCJ-001-0004B

**MOTION TO AMEND CONSENT ORDERS DESCRIBING THE WATER RIGHTS
ASSOCIATED WITH THE UNKNOWN DITCH**

The plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) moves the Court to amend four *Consent Orders* associated with the Unknown Ditch. As grounds therefore plaintiff states:

1. The *Consent Orders* entered by the Court for subfiles CHCJ-001-0002 (Doc. No. 9520 entered on November 2, 2009), CHCJ-001-0003 (Doc. No. 8966 entered on October 16, 2007) and CHCJ-001-0004B (Doc. No. 8771 entered on August 24, 2007) describe the location of the X and Y coordinates for the Unknown Ditch as follows:

Point of Diversion:

Ditch Name: UNKNOWN DITCH

Location X: 1,619,950 feet **Y:** 2,014,061 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

The *Consent Order* entered for subfile CHCJ-001-0001 (Doc. No. 7030 entered on January 22, 2003) describes the location of the X and Y coordinates for the Unknown Ditch as follows:

Point of Diversion:

Ditch Name: UNKNOWN DITCH

Location X: 1,619,949 feet **Y:** 2,014,061 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

2. Upon further inspection and review by the State, the above X and Y coordinates for the Unknown Ditch as stated in the entered *Consent Orders* are incorrect. Subfiles CHCJ-001-0001, CHCJ-001-0002, CHCJ-001-0003 and CHCJ-001-0004B are the only subfiles associated with the Unknown Ditch that are affected by this motion.

3. The correct X and Y coordinates for the Unknown Ditch are as follows:

Point of Diversion:

Ditch Name: UNKNOWN DITCH

Location X: 1,620,083 feet **Y:** 2,014,688 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

WHEREFORE, the State requests the Court amend the *Consent Orders* entered for subfiles CHCJ-001-0001 (Doc. No. 7030), CHCJ-001-0002 (Doc. No. 9520), CHCJ-001-0003 (Doc. No. 8966) and CHCJ-001-0004B (Doc. No. 8771) describing irrigation under the Unknown Ditch as described in paragraph 3 above.

Pursuant to the Court's February 4, 2013 *Order* (Doc. No. 10891), the State requests the Clerk of the Court to mail copies of the approved Order requested in this Motion to the parties listed below at the address listed.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of May, 2014, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served by electronic mail, and served the following non-CM-ECF participants in the manner indicated:

Via first class mail, postage prepaid addressed as follows:

CHCJ-001-0001

Alfred J. Chavez
Sarah Chavez
P.O. Box 310
El Rito, NM 87530

CHCJ-001-0002

Donald Martinez
P.O. Box 52
El Rito, NM 87530

CHCJ-001-0003

Anita B. Scarborough, Trustee
George M. Scarborough, Trustee
Scarborough Living Trust
1404 Monterey Place
Santa Fe, NM 87505

CHCJ-001-0003

Tony Scarborough
P.O. Box 268
Espanola, NM 87532

CHCJ-001-0004B

Placido Borrego
3056 Agua Fria Street
Santa Fe, NM 87507

/s/ Ed Newville

EDWARD G. NEWVILLE